

# Order

Michigan Supreme Court  
Lansing, Michigan

September 10, 2007

Clifford W. Taylor,  
Chief Justice

132643(38)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 132643  
COA: 270130  
Saginaw CC: 05-025915-FH

MARCEL OMAR BEVERLY,  
Defendant-Appellant.

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On order of the Court, the motion for reconsideration of this Court's May 2, 2007 order is considered, and it is GRANTED. We VACATE our order dated May 2, 2007. On reconsideration, the application for leave to appeal the October 6, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Saginaw Circuit Court for a determination of whether the defendant is indigent and, if so, for the appointment of appellate counsel, in light of *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005). Appointed counsel may file an application for leave to appeal to the Court of Appeals, and/or any appropriate postconviction motions in the trial court, within six months of the date of the circuit court's order appointing counsel. Counsel may include among the issues raised, but is not required to include, those issues raised by the defendant in his application for leave to appeal to this Court. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should now be reviewed by this Court.

We do not retain jurisdiction.



d0830

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 10, 2007

*Corbin R. Davis*

Clerk